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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,347	12/09/2003	Michael Wotton	J308-291 US	3559
21706	7590	09/16/2005	EXAMINER	
NOTARO AND MICHALOS 100 DUTCH HILL ROAD SUITE 110 ORANGEBURG, NY 10962-2100			CHIANG, JACK	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/731,347	Applicant(s) WOTTON, MICHAEL	
	Examiner Jack Chiang	Art Unit 2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

CLAIMS

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Hillenmayer (US 5719936).

Regarding claim 1, Hillenmayer shows:

A flat panel (2-3) having front and rear surfaces and thin side edges;

A plurality of touch sensors (key sensors on 3);

An electronic unit (telephone part in 2);

A speaker (below 11);

A microphone (below 12);

A means (bottom sleeve with element 13/29 in figs. 2-3) for covering the flat panel (2-3 in figs. 2-3).

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 20, 3-6, 8-11, 13-15, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hillenmayer in view of Schon (WO 03/021922A1).

Regarding claim 20, Hillenmayer shows:

A flat panel (2-3) having front and rear surfaces and thin side edges;

A plurality of touch sensors (key sensors on 3);

An electronic unit (telephone part in 2);

A speaker (below 11);

A microphone (below 12);

A sleeve (bottom sleeve with element 13/29 in figs. 2-3) for covering the flat panel (2-3 in figs. 2-3).

Hillenmayer differs from the claimed invention in that it does not explicitly show that the sleeve has a decorative design.

However, Schon teaches providing a cover having a decorative design (i.e. 5-4, 5-5).

Hence, if it is found that Hillenmayer does not have any decorative design, then, it would have been obvious for one of ordinary skill in the art to modify Hillenmayer with the cover design as taught by Schon in situation where certain functions need to be indicated when the touch panel is covered as shown by Schon.

5. Claims 18-19, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hillenmayer in view of Schon (WO 03/021922A1) and Carlson et al. (US 5241592).

Regarding claim 18, Hillenmayer shows:

A flat panel (2-3) having front and rear surfaces and thin side edges;

A plurality of touch sensors (key sensors on 3);

An electronic unit (telephone part in 2);

A speaker (below 11);

A microphone (below 12);

A sleeve (bottom sleeve with element 13/29 in figs. 2-3) for covering the flat panel (2-3 in figs. 2-3).

Hillenmayer differs from the claimed invention in that it does not explicitly show that the sleeve has a decorative design.

However, Schon teaches providing a cover having a decorative design (i.e. 5-4, 5-5).

Hence, if it is found that Hillenmayer does not have any decorative design, then, it would have been obvious for one of ordinary skill in the art to modify Hillenmayer with the cover design as taught by Schon in situation where certain functions need to be indicated when the touch panel is covered as shown by Schon.

Hillenmayer further differs from the claimed invention in that it does not show a hanging means.

However, Carlson teaches providing a phone which has a hanging means (118).

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Hence, it would have been obvious for one of ordinary skill in the art to modify the combination of Hillenmayer with a hanging means as taught by Carlson, such that it allows the combination to be affixed to an external object which includes wall hanging (col. 3, lines 17-19 in Carlson).

Regarding claims 2-11, 13-15, 17, 19, Hillenmayer or the combination of Hillenmayer and Schon/Carlson shows:

The sleeve (see sleeve which covers 2-3 in figs. 2-3 in Hillenmayer);

The materials for the sleeve and the panel are personal preference as long as they can perform the functions shown by the combination of Hillenmayer;

The decorative design (see 5-4 in Schon);

The mounting means (118 in Carlson);

The electronic unit (telephone part in 2 in Hillenmayer);

The removable cover (see sleeve in Hillenmayer);

The gluing of the touch sensor would be considered as a variation of Hillenmayer as long as the concept of mounting Hillenmayer's touch sensor (3 in Hillenmayer) remains substantially unchanged;

The printed pattern or decorative design on the cover or sleeve (5-4 in Schon);

A jack (i.e. 25 in Hillenmayer);

A thin board having speaker openings (see 11 in Hillenmayer);

The speaker and the electronics unit (below 11 and telephone unit in 2 in Hillenmayer);

The touch sensors (3 in Hillenmayer).

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hillenmayer in view of Humphreys et al. (US 6731913).

Regarding claim 12, Hillenmayer shows the sleeve (lower portion shown in figs. 2-3). Hillenmayer differs from the claimed invention in that the sleeve does not have a speaker opening.

However, Humphreys teaches providing a cover having a speaker opening (252 in Humphreys).

Hence, it would have been obvious for one of ordinary skill in the art to modify Hillenmayer's covering sleeve to cover the whole phone, including the speaker and the speaker opening, as taught by Humphreys, such that it allows the combination to provide a small and lightweight phone, to absorb shock and resist deformation that might damage internal parts of the phone as taught by Humphreys (col. 1, lines 38-40 in Humphreys)..

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hillenmayer in view of Michiya et al. (US 6017225).

Regarding claim 16, Hillenmayer show the microphone (28).

Hillenmayer differs from the claimed invention in that it does not the detail structure for supporting the microphone, such as a collar, a flange, a post, and a groove.

However, Michiya teaches providing a microphone mounting comprising a collar (1, see also fig. 4) having a flange (7), a post (for 6, see also 2), and a groove (for 4).


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Hence, it would have been obvious for one of ordinary skill in the art to adapt Michiya's microphone mounting in Hillenmayer, this simply can be considered as a variation of Hillenmayer or an intended use of Michiya, as long as the basic concept of mounting the mounting is substantially unchanged.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Chiang whose telephone number is 571-272-7483. The examiner can normally be reached on Mon.-Fri. from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jack Chiang
Primary Examiner
Art Unit 2642